

STATEMENT OF P.O. THOMAS GAFFNEY

CONDUCTED BY INVESTIGATOR KILLEEN

ON OCTOBER 21, 2014 AT 0406 HOURS

AT AREA CENTRAL POLICE HEADQUARTERS

LOG# 1072125  
SEARCHED ~~7605~~  
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FILED 160

1 KILLEN: This is the audio recorded interview of Officer  
2 Thomas Gaffney regarding Log number 1072125 U  
3 number 14 dash 36. Today is the 21st of October  
4 2014. And the time is approximately 0406 hours.  
5 This statement is bein' taken at Area Central  
6 Police Headquarters at 51<sup>st</sup> and Wentworth. My  
7 name is Investigator Killen, that's spelled K I L  
8 L E N. My star number is 1 2 9. Also present is  
9 FOP attorney Dan Herbert. (noise) Dan if you  
10 would say and spell your first and last names.

11 HERBERT: Sure Dan, D A N, Herbert, H E R B E R T.

12

13 KILLEN: And uh also is uh FOP Representative Kato.

14 KATO: K R I S T O N. Last name is K A T O. (clears  
15 throat) FOP.

16

17 KILLEN: And Officer Gaffney if you would say and spell  
18 your first and last names for me.

19 P.O.GAFFNEY: My first name Thomas Gaffney, T H O M A S.  
20 G A F F N E Y.

21

22 KILLEN: Okay and what's your star number?

23 P.O.GAFFNEY: 1 9 9 5 8.

24

25 KILLEN: And your employee number?

26 P.O.GAFFNEY: [REDACTED].

27

28 KILLEN: And your uh current unit of assignment? (noise)

29 P.O.GAFFNEY: 8<sup>TH</sup> District.

30

31 KILLEN: Okay and (noise) what's your date of appointment  
32 with the (noise) Department?

1 P.O.GAFFNEY: Uh 8 July '96.

2

3 KILLEN: And your date of birth?

4 P.O.GAFFNEY: [REDACTED].

5

6 KILLEN: How long you been in 8?

7 P.O.GAFFNEY: Uh since 2000, 2001 I'm sorry. Summer

8 2001. (clears throat)

9

10 KILLEN: All right and then you're aware that this  
11 statement has the standing of an official  
12 Department report. And that any intentional  
13 falsification of any answer to any question would  
14 be in direct violations of rules and regulations?

15 P.O.GAFFNEY: Yes.

16

17 KILLEN: Given that, I (sighs) I'd like to remind you that  
18 failure to provide a complete and accurate  
19 account of this incident could result in a  
20 finding of Rule 14 with discipline leading up to  
21 and including separation from the Chicago Police  
22 Department. Do you understand that?

23 P.O.GAFFNEY: Yes.

24

25 KILLEN: All right and then you're aware that there are no  
26 allegations against you uh regarding this  
27 incident correct?

28 P.O.GAFFNEY: Yes.

29

30 KILLEN: Okay. So on 20 October 2014 at approximately  
31 2150 hours what was your duty status and  
32 assignment?

1 P.O.GAFFNEY: Uh this statement is not being given  
2 voluntary but under duress. I am only givin'  
3 this statement because I know I will be fired if  
4 I refuse.

5

6 KILLEN: Okay. So yesterday 20 October 2014 approximately  
7 2150 hours what was your duty status?

8 P.O.GAFFNEY: Um I was on duty workin' Beat 815 Robert.

9

10 KILLEN: Okay. And were you uh were you assigned a  
11 partner?

12 P.O.GAFFNEY: Yes I was, Joseph McElligott.

13

14 KILLEN: Okay were you uniformed?

15 P.O.GAFFNEY: Yes.

16

17 KILLEN: And so was McElligott right?

18 P.O.GAFFNEY: Yes.

19

20 KILLEN: Okay. And you and Officer McElligott you guys  
21 were assigned a car?

22 P.O.GAFFNEY: Yes.

23

24 KILLEN: What kinda car?

25 P.O.GAFFNEY: Uh squad, marked squad car uh Tahoe.

26

27 KILLEN: Okay. Were you the driver or the passenger?

28 P.O.GAFFNEY: I was the driver.

29

30 KILLEN: Okay. And then last night about 2150 hours you  
31 and uh Officer McElligott were witnesses to a  
32 police-involved shooting correct?

1 P.O.GAFFNEY: Yes.

2

3 KILLEN: All right and um (someone clears throat) if you  
4 would, if you'd start from the beginning and just  
5 run me through what happened.

6 P.O.GAFFNEY: Uh we received a call holding offender at  
7 forty, 4100 South Kildare. Um there supposedly  
8 somebody had broken into a, a truck uh vehicles  
9 um tryin' to get radios somethin' like that. So  
10 we, we were on Archer approximately Kostner  
11 Kenneth. I came uh, came to the (noise) we got  
12 the job came uh down Kostner to 47<sup>th</sup>, 47<sup>th</sup> to  
13 Kildare and Kildare right to 4100 South Kildare.

14

15 KILLEN: So you were comin' from the south goin' north  
16 correct?

17 P.O.GAFFNEY: Yes.

18

19 KILLEN: Okay. (someone clears throat) So you got the  
20 call are you, you were dispatched?

21 P.O.GAFFNEY: Yes.

22

23 KILLEN: OEMC?

24 P.O.GAFFNEY: Yes.

25

26 KILLEN: Radio?

27 P.O.GAFFNEY: Yes.

28

29 KILLEN: Okay. So then when you get to 41<sup>st</sup> and Kildare  
30 what, what happens?

31 P.O.GAFFNEY: Uh there was a [REDACTED] [REDACTED] and a [REDACTED]  
32 [REDACTED] uh standing by a gate um to the truck

1           yard. Um the gate was partially opened and uh  
2           the [REDACTED] had a chain in 'er hand and then we  
3           stopped and spoke to them.

4

5 KILLEN: Whaddid they tell ya?

6 P.O.GAFFNEY: They said that the guy just went around the  
7           corner. Um he was uh in the, in the you know lot  
8           tryin' to get um tryin' to get into trucks. Uh  
9           he had uh somethin' in his hand, he had uh a wire  
10          from a phone in his hand. And he said somethin'  
11          about a iPhone, I don't know if he was sayin'  
12          that he took an iPhone or he left an iPhone but  
13          he said that he went around the corner so then  
14          we, we asked 'em you know what he looked like,  
15          what he was wearin'? He said he's a male black  
16          with the dark shirt. So at that time we, we went  
17          up the street and turned the corner. (someone  
18          clears throat)

19

20 KILLEN: So they, they, did those two, that, did that [REDACTED]  
21          and [REDACTED] tell you which way the, the offender  
22          went?

23 P.O.GAFFNEY: Yes. Yeah he just pointed, he pointed north  
24          um and he said he went around the corner.

25

26 KILLEN: Okay so then that'd, that's 41<sup>st</sup> Street?

27 P.O.GAFFNEY: Yeah towards 40<sup>th</sup> Street.

28

29 KILLEN: Okay. And what happens then?

30 P.O.GAFFNEY: So we went, we went up the, up the block to  
31          40<sup>th</sup> Street and we turned um east on 40<sup>th</sup> Street  
32          and we, (inaudible) when we turned we seen um you

1 know somebody walkin'. So we approached 'em,  
2 drove up to 'em and at that time we seen it was a  
3 male black with dread locks. You know and he had  
4 a dark shirt on. So at that time my, my partner  
5 had gotten outta the vehicle (clears throat) and  
6 he had his flashlight you know he's shining on  
7 'em. You know tell 'em to come 'ere. So at that  
8 time he just kinda had a look, you know a weird  
9 look in his face you know like glazed eyes and  
10 stuff lookin' at us. So I stayed in my car in  
11 case he was gonna run. So at that time you know  
12 my partner kind of approached 'em a lil bit more  
13 and that's when he, he had seen you know tell 'em  
14 to get his hands outta his pocket cause he had  
15 one hand in his pocket. And then he had seen  
16 something in his you know a shiny object in his  
17 hand. And I, I heard 'em say you know he's got a  
18 knife. So that's when you know cuz then I, at  
19 first I was still in the car so I didn't really  
20 see, see the knife at that time. But once my  
21 partner said that that's when I kinda looked and  
22 I, at that time like I said we're all still  
23 walking or still moving. So then the street  
24 lights were a lil bit more as we were walkin' I,  
25 I seen a knife also in his hand.

26

27 KILLEN: Okay so this, so this point when you first see  
28 this guy he's on what street?

29 P.O.GAFFNEY: He's on 40<sup>th</sup> Street.

30

31 KILLEN: And he's, he's headed which way?

32 P.O.GAFFNEY: Uh east.

1

2 KILLEN: So he's headed toward Pulaski?

3 P.O.GAFFNEY: Yes.

4

5 KILLEN: All right is he by himself?

6 P.O.GAFFNEY: Yes.

7

8 KILLEN: Is he, like is he on the sidewalk --

9 P.O.GAFFNEY: On the, at that time he was on the sidewalk.

10

11 KILLEN: Which side of the street would he be on?

12 P.O.GAFFNEY: Uh south side.

13

14 KILLEN: So on the passenger side of your vehicle?

15 P.O.GAFFNEY: Yes. Yes.

16

17 KILLEN: All right so then you guys pull up, you pulled  
18 alongside of 'em?

19 P.O.GAFFNEY: Yes.

20

21 KILLEN: And then the officer --

22 P.O.GAFFNEY: Not quite, well not quite right next to 'em  
23 but yeah he was still like I said he was still  
24 walking but he was in front of the car. You know  
25 like in front of the area as we were walkin' and  
26 movin' at the same time.

27

28 KILLEN: You're kinda behind 'em?

29 P.O.GAFFNEY: Yeah, yeah but yeah.

30

31 KILLEN: And McElligott gets outta the car?

32 P.O.GAFFNEY: Yes.

1

2 KILLEN: Flashlight in hand.

3 P.O.GAFFNEY: Yes.

4

5 KILLEN: And he says come here?

6 P.O.GAFFNEY: Well yeah, yeah he starts you know come  
7 here. You know get your hand outta your pocket.  
8 And you know but he, he like I said he turned  
9 around, spun around a couple times and  
10 (inaudible) get to walking never said anything to  
11 us.

12

13 KILLEN: Which hand was in his pocket do you remember?

14 P.O.GAFFNEY: I think it was his left hand cause he had  
15 the other hand had whatever was in his, you know  
16 what he had in his hand at the time.

17

18 KILLEN: And do you know what was in his hand?

19 P.O.GAFFNEY: Not at that time I didn't.

20

21 KILLEN: Okay.

22 P.O.GAFFNEY: Like I said my partner, he, when my, my  
23 partner said he's got a knife that's when I kinda  
24 you know like I said as we were walkin' the  
25 street lights got a lil brighter and I was able  
26 to kinda look you know look over at the, and then  
27 see that he did have, you could tell you know it  
28 was in his hand and the blade was stickin' out.

29

30 KILLEN: Okay. And when you say he turned around a couple  
31 times does he keep 'em goin' east toward Pulaski?

32 P.O.GAFFNEY: Yeah he, he always kept goin'.

1

2 KILLEN: So he never stops?

3 P.O.GAFFNEY: No he never stopped he just kept walkin'. A  
4 couple times he went into the street but not,  
5 just like a step or two in the street but he just  
6 kept walkin' eastbound.

7

8 KILLEN: And he was by himself?

9 P.O.GAFFNEY: Yes.

10

11 KILLEN: All right so then so McElligott approaches 'em  
12 and then you hear McElligott say he's got a  
13 knife?

14 P.O.GAFFNEY: Yeah when he said he has a knife that's when  
15 I you know that's when I kinda like sat up a lil  
16 bit to look, to look, get a better look and  
17 that's when I, I seen it too.

18

19 KILLEN: Okay that was in his right hand then? Is that --

20 P.O.GAFFNEY: Yeah, yeah it was in his right hand.

21

22 KILLEN: So what happens then?

23 P.O.GAFFNEY: Uh at that time like I said (noise) my  
24 partner still kept you know tellin', that's what  
25 he said drop the knife, drop the knife. You know  
26 put the knife down whatever. And I got on the  
27 radio and you know got on the radio and said you  
28 know the guy's got a knn, we're at 40<sup>th</sup> and Kee,  
29 uh Keeler approachin' Keeler. Uh he's got a  
30 knife. Could we get another car over here with a  
31 taser.

32

1 KILLEN: So you don't carry a taser?

2 P.O.GAFFNEY: No I didn't, no.

3

4 KILLEN: McElligott he doesn't carry --

5 P.O.GAFFNEY: No he didn't have one either.

6

7 KILLEN: Okay. So what happens then?

8 P.O.GAFFNEY: Well like I said we I, I, I called it in  
9 then the dispatcher you know asked for other cars  
10 and other cars said they were comin'. So we  
11 just, we just kept stayin' you know keepin' our  
12 distance at the time you know I kept drivin'  
13 along. And um we just (noise) kept walkin' with  
14 'em (noise) You know he never you know like came  
15 at us or anything at that time. He just kept  
16 like walkin', my partner still kept givin' 'em  
17 verbal commands and droppin' the knife and you  
18 know stop and that type a thing. But you know he  
19 just kept walkin' turning around lookin' back at  
20 us you know just that weird glaze look.

21

22 KILLEN: Did he ever say anything?

23 P.O.GAFFNEY: No never said a word to us at all.

24

25 KILLEN: Okay.

26 P.O.GAFFNEY: (Clears throat)

27

28 KILLEN: So then what happens?

29 P.O.GAFFNEY: We kept (noise) goin' east. When we're,  
30 we're approaching uh Karlov, 40<sup>th</sup> and Karlov I  
31 knew the next block there was the Burger King,  
32 there was a truck lot so we were gonna get more

1           people. So as we approached the, pretty much the  
2           corner of Karlov I like kinda turned my car  
3           towards him a lil bit on you know and you know to  
4           try and maybe get 'em to go down Karlov cause  
5           there's more, you know there's just factories so  
6           there's no people down that way. So and then uh -  
7           --

8

9 KILLEN:   So the purpose of doin' that is keep 'em away  
10           from --

11 P.O.GAFFNEY: Yeah like try to slow 'em down until other  
12           cars got 'ere and make 'em see if he would maybe  
13           even go down the side street.

14

15 KILLEN:   Okay.

16 P.O.GAFFNEY: You know keep 'em from getting to that more  
17           populated area where there were cars and people.  
18           (someone clears throat) So when I did that, he  
19           kinda like took a step towards and swung his uh,  
20           his arm down. When he did that that's when I  
21           heard like pssss a sound and I knew that he  
22           popped a tire. (noise)

23

24 KILLEN:   Okay.

25 P.O.GAFFNEY: And then one, once he did that I got on the  
26           radio and said you know squad he just popped our  
27           tire. So (clears throat) --

28

29 KILLEN:   Where's McElligott at this time?

30 P.O.GAFFNEY: He was still walk but he was, he was still  
31           walkin' with us but he was at like towards the  
32           back of the car.

1

2 KILLEN: Okay.

3 P.O.GAFFNEY: You know the back you know he still kept his  
4 distance. So (noise) (clears throat) once he did  
5 that, once he popped the tire again he just with  
6 that glazed stare, that glazed eye stare once he  
7 did that he like stepped back like took a step  
8 back, back away from the car. So I pulled up a  
9 lil bit further in front of 'em to you know try  
10 and maybe stop 'em or get 'em to go down that  
11 street. That's when he just took a step toward  
12 me and swung his arm really hard and hit the  
13 windshield with the knife.

14 HERBERT: And if I could just indicate for the record, with  
15 his right hand holdin' behind his, behind his  
16 head (someone clears throat) bringin' it down in  
17 a striking motion.

18 P.O.GAFFNEY: Yeah he, he as hard as he could he was  
19 attempting to break that windshield.

20

21 KILLEN: And how many times did he hit the windshield?

22 P.O.GAFFNEY: Just once. It was just once. Went real hard  
23 swing right, right on the windshield.

24

25 KILLEN: What happens?

26 P.O.GAFFNEY: Obviously nothin', I didn't see nothin'  
27 break but then he walked around the front of the  
28 car and kept walkin' eastbound on 40<sup>th</sup> Street.  
29 And then at that time, maybe 10 to 15 more feet  
30 that's when you could hear um some you know some  
31 sirens. And then a squad car came off a Pulaski  
32 onto 40<sup>th</sup> Street with their lights on. At that

1           time he seen that and that's when he started to  
2           run. Oh yeah I, I, I (noise) got on the radio  
3           and some, one, one of us, I don't remember but  
4           somebody did say that he was you know he started  
5           to run towards you know towards the, the truck  
6           lot, the trucks.

7

8 KILLEN: Okay so, so you're still basically sittin' over  
9           at 40<sup>th</sup> and Karlov right? You see 'nother car  
10          come up Pulaski?

11 P.O.GAFFNEY: Yeah that's, yeah he, 'nother car came off  
12          Pulaski onto 40<sup>th</sup> Street.

13

14 KILLEN: So --

15 P.O.GAFFNEY: That, that's when he seen that and that's  
16          when he started runnin'.

17

18 KILLEN: So when they turn west on 40<sup>th</sup> he runs --

19 P.O.GAFFNEY: Yeah he runs --

20

21 KILLEN: -- east towards Pulaski?

22 P.O.GAFFNEY: -- he, he, he's still goin' towards Pulaski  
23          but he went off a, off a the sidewalk and um  
24          into, it was like a, an empty space where the  
25          trucks, the truckers park so they can sleep or  
26          whatever. And he (noise) ran that way between  
27          two trucks.

28

29 KILLEN: Okay. (noise)

30 P.O.GAFFNEY: So at that time (noise) my partner started  
31          runnin' and I drove the car, I drove the car up  
32          to the entrance of the Burger King lot and went

1           into the Burger King lot. And before I did that  
2           the other car that came off went into the Burger  
3           King lot also. So I just, I seen 'em come outta,  
4           between the trucks. I ran, I kept drivin'  
5           towards, towards the, the end of the lot, towards  
6           Pulaski and that's, he ran and then I stopped  
7           cause I (noise) my tire was pretty much flat. So  
8           I couldn't get, I wasn't gonna go over the curb  
9           and then the other car was behind 'em. He ran  
10          into like towards the street and the other car  
11          followed 'em went over the curb and followed 'em.  
12

13 KILLEN: Do you know who, who's that other car you're  
14           talkin' about? Do you know who that is?

15 P.O.GAFFNEY: At the time I didn't but now I know it was  
16           845 Robert.

17

18 KILLEN: Okay. And that's the car he's talkin' 'bout  
19           Pulaski and --

20 P.O.GAFFNEY: Yeah.

21

22 KILLEN: -- where they U turn and go back at 'em?

23 P.O.GAFFNEY: That's the one, that's the one yeah that's  
24           the one that I, I (noise) know, I found out that  
25           was the one that went over the curb, yeah.

26

27 KILLEN: Okay so you stop your (someone clears throat) car  
28           where then?

29 P.O.GAFFNEY: Pretty much right behind the parkin' lot.  
30           Before, before going over the curb and into the  
31           street. (noise)

32

1 KILLEN: Okay. And then, and you stopped because of the  
2 (noise) flat?

3 P.O.GAFFNEY: Yeah cause I, I, I didn't wanna, I didn't  
4 know if I was gonna make it over the, cuz it was  
5 like you know that lil part there's like lil the,  
6 the, cement tongue if you will, that, that's the  
7 parkin' lot. (noise) You know if I was gonna get  
8 over it.

9

10 KILLEN: And you see 845 Robert continue.

11 P.O.GAFFNEY: Yeah they went they continued followin' 'em  
12 and went into the street. So I --

13

14 KILLEN: And that's Pulaski you're talkin' about?

15 P.O.GAFFNEY: Yeah. Into Pulaski. So I spun around went  
16 behind the park, behind the Burger King you know  
17 there's a street, (inaudible) back towards  
18 Pulaski where it goes out to the street on  
19 Pulaski. (noise)

20

21 KILLEN: Okay so, so you don't take the curb at all. You  
22 just --

23 P.O.GAFFNEY: No, no I, I, I turn around, I turned around  
24 and went around the parkin' lot to, to get out  
25 where there's a, there's the light on 41<sup>st</sup> Street.  
26 (noise)

27

28 KILLEN: And that's where your car's stopped?

29 P.O.GAFFNEY: And then yeah I turned on Pulaski and that's  
30 where my, that's where I finally stopped.

31

1 KILLEN: That's when, when I saw your car was south,  
2 facin' south --

3 P.O.GAFFNEY: Yes. Yes that's right, that's where I  
4 stopped.

5

6 KILLEN: Okay so then do you see what happens then after,  
7 with, with the offender and 845 Robert then?

8 P.O.GAFFNEY: No that was all, yeah that was I believe  
9 done before I got onto Pulaski. Cause I, I spun  
10 around and that's when I, I heard, I started to  
11 hear shots before I got onto Pul, I think when I  
12 got onto Pulaski there was other cars and stuff  
13 in front of me too. So I didn't see what exactly  
14 was goin' on.

15

16 KILLEN: So you're basically goin' around Burger King.

17 P.O.GAFFNEY: Yeah that's when the shots I believe that's  
18 when the shots started firin'.

19

20 KILLEN: You heard gunshots?

21 P.O.GAFFNEY: Yeah.

22

23 KILLEN: At the time did you know who was shootin'?

24 P.O.GAFFNEY: No I didn't know.

25

26 KILLEN: Could you see who was shootin'?

27 P.O.GAFFNEY: No.

28

29 KILLEN: That's because --

30 P.O.GAFFNEY: Well there's a, yeah well there's a fence  
31 also right, opposite side of Burger King where,  
32 where we blocked, pretty much blocked. The fence

1           with uh, like a covering you know covering fence  
2           so nobody could see through the fence. Cause  
3           they were building some stuff there. So yeah  
4           there was that was all blockin' me.

5

6 KILLEN: There's (noise) no line a sight.

7 P.O.GAFFNEY: No, no.

8

9 KILLEN: Okay.

10 P.O.GAFFNEY: No.

11

12 KILLEN: So then by the time you, you get south on Pulaski  
13           there's no more shooting correct?

14 P.O.GAFFNEY: I believe yeah I believe so. I don't  
15           (noise) remember any shooting at, at, when I got  
16           onto Pulaski.

17

18 KILLEN: Where (noise) when you got on Pulaski and you're  
19           goin' south could you see the offender still?

20 P.O.GAFFNEY: No not, not until I got outta the car and  
21           started to go you know 'round to, to where  
22           everything was goin' on.

23

24 KILLEN: Where was he?

25 P.O.GAFFNEY: The offender he was on the ground at the  
26           time when I, when I got over there.

27

28 KILLEN: Okay. And it's after that then you find out  
29           who's shooting what happened?

30 P.O.GAFFNEY: Yeah, yeah.

31

1 KILLEN: Okay. (noise) You didn't see the shooting, you,  
2 you (noise) you didn't see Officer Van Dyke  
3 discharge the weapon?

4 P.O.GAFFNEY: No I didn't, no.

5

6 KILLEN: Okay. (sighs) And then that, that, (noise) the  
7 two people that called 9 1 1 said they were  
8 holdin' the offender.

9 P.O.GAFFNEY: Hmm huh.

10

11 KILLEN: Do you have any idea who they are?

12 P.O.GAFFNEY: No not at the time, no. Cause right when  
13 they just said he went around the corner, they  
14 gave a quick description. We just wanted to go  
15 and you know see if we can catch 'em. We didn't  
16 know how long ago it was. Or where he would've  
17 went. So we just you know went and see if we  
18 could grab 'em and figured they woulda still been  
19 there when we got back.

20

21 KILLEN: Okay. And then the knife that the offender had,  
22 as best you can describe it to me?

23 P.O.GAFFNEY: Uh all silver, real bright. And prob'ly  
24 'bout four to six inch blade.

25

26 KILLEN: Okay. All right. Uh was there anything you'd  
27 like to add?

28 P.O.GAFFNEY: No.

29

30 KILLEN: All right everything you told me is a true and  
31 accurate account of what occurred?

32 P.O.GAFFNEY: Yes.

1

2 KILLEN: All right this will conclude the audio recorded  
3 interview of Officer Thomas Gaffney regarding Log  
4 number 1072125 U number 14 dash 36. Today is the  
5 21<sup>st</sup> of October 2014. The time is approximately  
6 0424 hours.

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3

4       I, CAROL A. O'LEARY, do hereby certify or affirm that  
5       I have impartially transcribed the foregoing from an audio  
6       recording of the above-mentioned proceeding to the best of  
7       my ability.

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Carol A. O'Leary

Carol A. O'Leary